

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE JPMORGAN CHASE & CO.
SHAREHOLDER DERIVATIVE LITIGATION

Civil Action No. 08 CV 00975

This Document Relates To: All Actions

Civil Action No. 08 CV 00974

**DECLARATION OF JOE R. WHATLEY, JR. REGARDING THE ADEQUACY
OF WHATLEY, DRAKE & KALLAS, LLC TO SERVE AS COUNSEL FOR PLAINTIFF
ROBERT L. GARBER**

I, Joe R. Whatley, Jr., declare as follows:

1. I am a member of Whatley Drake & Kallas, LLC (the “Firm” or “WD&K”), counsel for plaintiff Robert L. Garber. I respectfully submit this declaration to provide the Court with relevant information concerning my firm’s qualifications to serve as counsel for Mr. Garber in this action.

2. Whatley Drake & Kallas, LLC is a national plaintiffs' firm of over 40 lawyers with offices in New York, New York, Birmingham, Alabama, and Boston, Massachusetts. The Firm has a legacy of leadership in significant complex class action and derivative litigation, including securities, 401k, healthcare, insurance, employment and mass tort litigation.

3. WD&K and its partners have served as co-lead counsel in numerous high profile class actions that have recovered billions of dollars for class members, and have achieved significant corporate reforms. In addition, WD&K is one of the few firms in the country that has

actually tried a complex class action case to verdict. Whatley Drake & Kallas has been appointed to leadership positions in numerous complex case. Examples of cases in which WD&K currently holds or has held a leadership position include, among others, the following:

(a) *In re HealthSouth Corporation Securities Litigation*, No. 2:03-cv-01500-KOB-TMP (N.D. Ala.). WD&K acts as Liaison Counsel in this securities class action pending in the United States District Court for the Northern District of Alabama. To date, a partial settlement of \$445 million with the corporation and board of directors has been approved;

(b) *In re Managed Care Litigation*, MDL No. 1334 (S.D. Fla.). WD&K is a member of the Plaintiffs' Steering Committee and represents a class of physicians against nine of the largest managed care providers in the United States including AETNA, CIGNA, United, Healthnet, Humana, PacifiCare, Prudential and WellPoint. The suit alleged that these defendants engaged in a civil conspiracy in violation of the Racketeering Influenced and Corrupt Organizations Act ("RICO") to wrongfully and fraudulently pay doctors less than the amounts to which they were entitled. Settlements were reached with AETNA, CIGNA, Healthnet, Humana, Prudential and Wellpoint consisting of monetary relief and significant business practice changes valued in the billions of dollars have been obtained and approved by the court;

(c) *Love v. Blue Cross Blue Shield Association*, No. 03-21296 (S.D. Fla.). WD&K is Co-Lead Counsel in this action pending in the United States District Court for the Southern District of Florida. Settlements have recently been reached with approximately ninety percent (90%) of the defendants. The settlements provide for in excess of \$130 million of monetary benefits and practice change relief valued in excess of two billion dollars;

(d) *In re Mattel, Inc. Toy Lead Paint Products Liability Litigation*, MDL No. 1897 (C.D. Cal.). WD&K is Co-Lead Counsel for a class of consumers of recalled toys due to

their lead content or that were defectively designed with magnets which could come loose potentially injure children manufactured and sold by Mattel and Fisher Price. The suit seeks recovery for the purchase prices as well as reimbursement for medical testing;

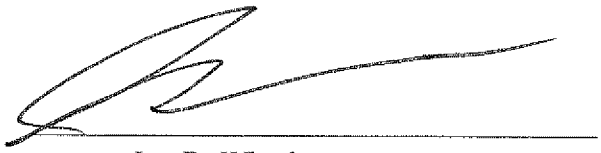
(e) *In re U.S. Foodservice, Inc. Pricing Litigation*, MDL 1894 (D. Conn.). The Firm is Co-Lead Counsel and represents customers in a case involving a scheme whereby USF, the second largest food distributor in the U.S., fraudulently inflated the prices it charged to their cost-plus customers;

(f) *In re Epogen and Aranesp Off-Label Marketing and Sales Practices Litig.*, MDL No. 01934 (C.D. Cal.). WD&K is Co-Lead Counsel in this action against Amgen Inc. and two leading dialysis providers for unlawfully promoting the use of Epogen and Aranesp for unsafe and dangerous off-label uses and dosages.

4. Attached hereto as Exhibit A is a copy of WD&K's firm resume which contains additional detail regarding the Firm's past and present cases as well as my biography and that of my partner, Deborah Clark-Weintraub. Ms. Clark-Weintraub and I are the WD&K attorneys principally responsible for this matter.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: August 6, 2008



Joe R. Whatley

CERTIFICATE OF SERVICE

I, Joe R. Whatley, Jr., hereby certify that on August 6, 2008, I caused a true and correct copy of the foregoing Notice to be served upon:

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via electronic mail on all counsel entitled to receive service in this action.

/s/ Joe R. Whatley, Jr.
Joe R. Whatley, Jr.

EXHIBIT A



WhatleyDrake&Kallas

History

Whatley Drake and Kallas, LLC is a national plaintiffs' firm, committed to litigation that results in meaningful change. WD&K was formed in Birmingham in 1998 as a successor to the firm of Cooper, Mitch, Crawford, Kuykendall & Whatley. The Firm has a legacy of serving leadership roles in significant complex class action and derivative litigation, including securities, 401k, healthcare, insurance, employment and mass tort litigation. WD&K also remains devoted to its longstanding representation of unions and workers throughout the United States. Our class action and complex litigation practice was strengthened in 2006 by the addition of a team of experienced class action attorneys in New York City.

In 2007, WD&K was one of thirteen firms named to the National Law Journal's "Plaintiffs' Hot List," the annual list of the country's most prominent plaintiffs' firms. Our national practice includes 48 lawyers across offices in New York City, Birmingham and Boston. Throughout its history, WD&K has been at the forefront in class actions and complex cases across the United States, effecting meaningful change through settlements and verdicts for classes of people, businesses and pension funds.

WD&K and its partners have served as co-lead counsel in numerous high profile class actions that have recovered billions of dollars for class members, and have achieved significant corporate reforms. Examples of recent cases in which the Firm served in a leadership role and was extensively involved in the litigation and negotiation of settlements include: In re: Managed Care Litigation (resulting in billions of dollars in cash and value to a class of 900,000 physicians throughout the United States); In re Insurance Brokerage Antitrust Litigation (settlements with defendants Zurich Insurance Company and Arthur J. Gallagher on behalf of commercial policyholders for in excess of \$130 million); In re: Qwest Savings and Retirement Plan ERISA Litigation (approximately \$37.5 million); In re: HealthSouth Corporation Securities Litigation (\$445 million); In re Denney v. Jenkins & Gilchrist (\$81.6 million settlement on behalf of former clients of Jenkins & Gilchrist in connection with illegal tax shelters); In re MedPartners Securities Litigation (\$65 million); In re Kmart 401(k) Litigation (\$11.75 million).

Whatley Drake & Kallas has gained a national reputation for its aggressive litigation style and its quality legal work. A significant aspect of the Firm's resources is its ability to try a complex case. One of the Firm's founding partners, Joe R. Whatley, Jr., is an experienced trial lawyer and is one of the few lawyers representing plaintiffs in complex class action litigation who has tried a class action case to verdict. He won a

\$1.28 billion jury verdict on behalf of a class of cattle ranchers against Tyson Fresh Meats, Inc. in *Pickett v. Tyson Fresh Meats, Inc.*, No. 96-A-1103-N (M.D. Ala.). Mr. Whatley also won what was at the time the largest wrongful death verdict in Louisiana history in *Dunn v. Consolidated Rail Corp.*, 890 F. Supp. 1262 (M.D.La. 1995). Mr. Whatley's experience in this regard has made him a highly sought after member of plaintiffs' leadership groups in numerous complex and multidistrict litigations.

WD&K and its partners have also gained a national reputation for their consistent dedication to the interests of their clients by achieving results which include both compensation to victims of wrongdoing and significant industry reforms.

Firm Litigation

Securities, Derivative and 401(k) Litigation

Whatley Drake and Kallas has been appointed to leadership positions in numerous securities and 401(k) class actions and derivative litigation. Examples of cases in which WD&K currently holds or has held a leadership position include, among others, the following:

In re HealthSouth Corporation Securities Litigation. WD&K acts as Liaison Counsel in this securities class action pending in the United States District Court for the Northern District of Alabama. To date, a partial settlement of \$445 million with the corporation and board of directors has been approved.

In re Merck & Co., Inc., Securities, ERISA and Shareholder Derivative Litigation. Joe R. Whatley, Jr. has been named Co-Lead Counsel in this shareholder derivative action pending against Merck in the United States District Court for the District of New Jersey arising out of the marketing and sale of Vioxx.

Hildebrand v. W Holding Company, WD&K has been named as Co-Lead Counsel in this securities class action against W Holding Company, WesternBank Puerto Rico and certain individuals pending in the United States District Court for the District of Puerto Rico.

In re MedPartners Securities Litigation. WD&K served as Liaison Counsel in this action which was filed in Circuit Court of Jefferson County, Alabama on behalf of a class of shareholders against MedPartners. A settlement of \$65 million was obtained and approved by the court.

In re Qwest Savings and Retirement Plan ERISA Litigation. Joe R. Whatley, Jr. and WD&K were appointed Co-Lead Counsel in this class action filed on behalf of all participants and beneficiaries of Qwest's 401(k) retirement plan. The suit alleged that various fiduciaries of the plan failed to properly exercise their duties as required under

ERISA. A settlement of approximately \$37.5 million was obtained and approved by the court.

In re Rankin v. Conaway (Kmart). WD&K served as Lead Counsel in this class action on behalf of participants and beneficiaries of Kmart's Retirement Savings Plans who lost money when Kmart filed for bankruptcy. The suit alleged that various fiduciaries of the Plan failed to properly exercise their duties as required under ERISA. WD&K obtained a settlement of \$11.75 million that was approved by the court.

In re Xcel Energy. WD&K served as Co-Lead Counsel on behalf of participants and beneficiaries of Xcel's 401(k) Retirement Plan. A settlement of \$8 million was obtained and approved by the court.

In re Broadwing, Inc. ERISA Litigation. WD&K was Co-Lead Counsel in this class action brought on behalf of the participants and beneficiaries of Cincinnati Bell, Inc. Savings and Securities Plan, the Broadwing Retirement Savings Plan, and the Plans themselves, to remedy defendant's breaches of fiduciary duty under ERISA. A settlement of \$11 million was obtained and approved by the court.

McPhail, et al. v. First Command, et al. The Firm is Co-Lead Counsel representing a class of military and former military families that were defrauded by First Command. First Command and its officers are being sued because they sold to military families unsuitable financial products that contained, among other things, a 50% sales load in the first year of the product. WD&K won class certification and that decision was upheld by the Ninth Circuit Court of Appeals. First Command appealed that decision to the Supreme Court of the United States and cert was denied. Trial is set for 2009. The case is pending before the United States District Court for the Southern District of California.

Insurance and Healthcare Litigation

Whatley Drake & Kallas is a leader in complex litigation against the largest insurance, brokerage and managed care companies in the world. WD&K has been appointed to leadership positions in the following cases, among others:

Love v. Blue Cross Blue Shield Association, WD&K is Co-Lead Counsel in this action pending in the United States District Court for the Southern District of Florida. Settlements have recently been reached with approximately ninety percent (90%) of the defendants. The settlements provide for in excess of \$130 million of monetary benefits and practice change relief valued in excess of two billion dollars.

In re Managed Care Litigation, MDL No. 1334. WD&K is a member of the Plaintiffs' Steering Committee and represents a class of physicians against nine of the largest managed care providers in the United States including AETNA, CIGNA, United, Healthnet, Humana, PacifiCare, Prudential and WellPoint. The suit alleged that these

defendants engaged in a civil conspiracy in violation of the Racketeering Influenced and Corrupt Organizations Act (“RICO”) to wrongfully and fraudulently pay doctors less than the amounts to which they were entitled. Settlements were reached with AETNA, CIGNA, Healthnet, Humana, Prudential and Wellpoint consisting of monetary relief and significant business practice changes valued in the billions of dollars have been obtained and approved by the court.

In re Monumental Life Insurance Company, Industrial Life Insurance Litigation.

WD&K served as a member of the Plaintiffs’ Steering Committee in this action pending in the United States District Courts for the Eastern District of Louisiana seeking redress for discriminatory practices of many major insurance companies with respect to the sale of life insurance products to minorities. Settlements of approximately \$500 million dollars have been obtained in these cases and approved by the court.

Environmental Litigation

Whatley Drake & Kallas is proud to represent thousands of individuals against the manufacturers of toxic substances released into the environment and has played a significant role in several nationally prominent environmental litigations including the following:

In re Allen v. ALDOT. WD&K represented residential property owners in three neighborhoods in Montgomery, Alabama harmed by the Alabama Department of Transportation’s release of the chemical TCE into the groundwater of a 600-acre area affecting the property of some 1200 homeowners. A settlement of \$5.5 million was obtained.

Monsanto PCB Litigation (Tolbert, et al v. Monsanto and Pharmacia Corp.). WD&K partner G. Douglas Jones was appointed General Special Master by Chief Judge U. W. Clemon in the U.S. District Court for the Northern District of Alabama to perform specific duties with respect to the implementation of injunctive relief in a massive environmental settlement involving PCB’s in Anniston, Alabama.

Antitrust Litigation

Whatley Drake & Kallas is a leader in antitrust litigation and has held numerous leadership positions in such cases including, but not limited to, the following:

In re Insurance Brokerage Antitrust Litigation, MDL No. 1663. Edith Kallas and WD&K serve as Co-Lead Counsel and represent a putative class of purchasers of commercial and employer benefit insurance against many of the largest insurance companies and brokers in the country relating to these companies’ alleged participation in a conspiracy to manipulate the markets for insurance. To date, settlements with two of the

defendants, Zurich Insurance Company and Arthur J. Gallagher, have been reached for approximately \$130 million.

In re Lorazepam and Clorazepate Antitrust Litigation. WD&K served as Third Party Payor Lead Class Counsel in this antitrust action which was transferred by order of the Judicial Panel for Multi-District Litigation to the United States District Court for the District of Columbia. Settlements of over \$100 million were obtained.

Pickett, et al. v. Tyson Fresh Meats, Inc. Whatley Drake served as Co-Lead Counsel in representing a class of cattle ranchers against the major beef packers and producers in the country for conspiring to depress the price of beef on the cash market. In addition to serving in a leadership position in this action, Joe. R. Whatley of Whatley Drake served as trial counsel in the Middle District of Alabama for the plaintiff class and the jury returned a verdict of \$1.28 billion for the class of ranchers and cattle producers.

In re Pharmacy Benefit Managers Antitrust Litigation. WD&K currently serves as Co-Lead Counsel in a nationwide class action that seeks to ensure patients' access to their selected pharmacists and that independent pharmacists will be able to provide quality care to the people who seek over 1.3 billion prescriptions from them each year. The suit alleges that these Pharmacy Benefit Managers conspired to and engaged in horizontal price fixing of the reimbursement rates paid to independent pharmacies.

Waterbury Hospital v. U.S. Foodservice. The Firm is Co-Lead Counsel and represents customers in a case involving a scheme whereby USF, the second largest food distributor in the U.S., fraudulently inflated the prices it charged to their cost-plus customers. USF's customers were charged, pursuant to cost-plus agreements, inflated prices that represented the cost of products plus a kickback to their suppliers.

Oil and Gas Royalty

Whatley Drake & Kallas has represented oil and gas owners in litigation against oil companies. Settlements have been reached with Exxon, Torch Energy and LL&E, Inc. The Firm received more than \$7.5 million for royalty owners.

Pharmaceutical Products Litigation

Whatley, Drake & Kallas is actively involved in representing plaintiffs individually and in class action cases regarding injuries caused by defective pharmaceutical products. Some of the products involved include the following:

In re New York Bextra and Celebrex Product Liability Litigation. WD&K was appointed as State Court Liaison Counsel in this action involving injury claims arising from ingestion of these Cox 2 inhibitors. The case is pending in the Supreme Court of the State of New York, County of New York.

Vioxx Product Liability Litigation. The Firm represents individuals injured by Vioxx, prescribed to millions to treat arthritis. Manufactured by Merck Pharmaceuticals, Vioxx was removed from the market by Merck in the face of increasing evidence that the drug caused cardiovascular injuries including heart attack and stroke.

In re Ortho Evra Patch Litigation. WD&K is representing women who have suffered vascular injuries including stroke and even death resulting from use of the Ortho Evra birth control patch, the first skin patch approved for birth control manufactured by Johnson & Johnson. The Firm has taken an active role as a member of the discovery committee. WD&K participated in the MDL mediation process and has resolved the vast majority of its clients' cases.

In re: Zyprexa Litigation. WD&K is currently representing several hundred individuals who developed diabetes and suffered other injuries as a result of taking Zyprexa. The Firm has been actively involved in In Re: Zyprexa Litigation, MDL 1596, and has recently settled all of its cases with Eli Lilly.

In re Seroquel Products Liability Litigation. An oral drug often prescribed to treat symptoms related to schizophrenia and bi-polar disorder as well as anxiety and dementia, Seroquel has been linked to a higher incidence of diabetes and related conditions such as hyperglycemia and ketoacidosis. WD&K is actively litigating cases against drug manufacturer AstraZeneca in an MDL proceeding in Orlando, Florida and in Delaware state court.

In re: Bausch & Lomb, Inc. Contact Lens Solution Products Liability Litigation. WDK was appointed to Plaintiffs' Executive Committee in this case involving serious eye injuries resulting from contaminated contact lens solution ReNu MoistureLoc®. The case is pending in the U.S. District Court, District of South Carolina.

Gadolinium (MRI Dye). The Firm is litigating cases involving adverse side-effects from the use of contrast dye in the MRI process.

Medical Device Products Litigation

In re ProteGen Sling and Vesica System Products Liability Litigation. WD&K served as a member of the Plaintiffs' Executive Committee in an action on behalf of hundreds of women all over the country in individual lawsuits who had been implanted with a ProteGen Sling manufactured by Boston Scientific Corporation, used to treat female urinary stress incontinence. These cases were consolidated for coordinated proceedings by order of the Panel for Multi-District Litigation in the USDC for Maryland at Baltimore. In May, 2003, Mr. Whatley was assistant trial counsel in this case in Pennsylvania on behalf of a woman injured by the vaginal sling and obtained a jury verdict on her behalf for

\$450,000.00. As a result of these efforts, Boston Scientific agreed to settle all the claims made against them related to their vaginal sling product.

Tracheal Stent Cases. WD&K is currently representing individuals who have been injured as a result of failed tracheal stents manufactured by Boston Scientific.

In re Medtronic Implantable Defibrillator Litigation, MDL No. 1726; and In Re: Guidant Implantable Defibrillator Litigation, MDL No. 1708. WD&K is currently representing hundreds of individuals who were injured or died prematurely as a result of defective heart defibrillators and pacemakers manufactured by Guidant and Medtronic. Members Jack Drake and Mitchell M. Breit are actively involved in both MDL 1726 and MDL 1708. The Firm is Chair of the Law and Briefing Committee in the Medtronic litigation and has settled all of its cases.

Medtronic Leads. The Firm represents hundreds of individuals involving claims of defective leads to medical devices. An MDL petition is pending.

Consumer Class Litigation

Whatley, Drake & Kallas is actively involved in representing consumers in class action cases. Some of those cases include the following:

Spencer v. Shell Oil. The firm represented homeowners with polybutylene plumbing throughout the United States in this action in the Circuit Court of Greene County, Alabama. The firm obtained a settlement of approximately \$1 billion to repair and replace leaking pipes and fittings for homeowners.

In re Mattel, Inc. Toy Lead Paint Products Liability Litigation, MDL No. 1897. WD&K is Co-Lead Counsel for a class of consumers of recalled toys due to their lead content or that were defectively designed with magnets which could come loose potentially injure children manufactured and sold by Mattel and Fisher Price. The suit seeks recovery for the purchase prices as well as reimbursement for medical testing.

Hoffman v. American Express Travel Related Services Co., Inc. WD&K represents American Express cardholders who enrolled in a flight and baggage insurance program under which subscribing cardholders are automatically charged an insurance premium each time a flight is booked. The complaint alleges that AMEX engaged in a scheme to defraud cardholders by assessing premiums for cancelled flights and trips not taken. The case is pending in Alameda County Superior Court, California.

Pineda v. Vitamin Shoppe. WD&K represents a class of purchasers of Vitamin Shoppe's "Especially for Women" vitamins. The complaint alleged that testing revealed that some of these vitamins were contaminated by lead and/or contained less calcium than the label indicated. Vitamin Shoppe denied all wrongdoing. WD&K obtained a settlement on

behalf of the class, who received refunds of 100% of the value of the purchase price of the products or 125% of the purchase price if they choose store credit, which is pending final approval in Superior Court for Bergen County, New Jersey.

White v. Bed Bath and Beyond. WD&K represents a class of purchasers of bedding and linen products from Bed Bath and Beyond. Bed Bath and Beyond inflated the thread count of certain two-ply and multi-ply linens and other bedding products by counting threads in a manner which the Federal Trade Commission has ruled is deceptive to consumers. WD&K, along with other counsel, reached a settlement with Bed Bath and Beyond, which provided refunds or gift cards to purchasers of these bedding products, that is pending Final Approval in the United States District Court for the District of New Jersey.

Subprime Lending Litigation/Countrywide Financial Corp.. WD&K represents a class of borrowers against Countrywide Financial Corp, et al pursuing claims under the Racketeer Influenced and Corrupt Organizations Act ("RICO") and California law involving a fraudulent scheme to systematically steer unwary borrowers into "subprime" mortgages and loans with excess charges and inadequately disclosed risks, including drastic and unexpected increases in required monthly payments. As a result, a significant percentage of borrowers from Countrywide have defaulted or are in default on their loans causing the current flood of foreclosures. Countrywide's scheme resulted in higher profits in interest rates, in origination fees and other fees, and in packaging the mortgage-backed securities.

Other Complex Class Action Litigation

Whatley Drake & Kallas has recently been appointed to leadership positions in the following complex class action cases:

In Re TJX Companies Retail Security Breach Litigation, MDL No. 1838. WD&K serves as Co-Lead Counsel in this multidistrict litigation pending in the United States District Court for the District of Massachusetts on behalf of a putative class of all financial institutions who suffered losses related to the monitoring and reissuance of their customers' debit and credit cards after information relating to millions of these accounts was stolen from retailer TJX. The Plaintiffs allege that TJX, whose stores include TJ Maxx, Marshalls and Home Goods, and its acquiring bank, Fifth Third Bank, failed to comply with payment card industry data security standards and assert claims including breach of contract and violation of Massachusetts General Laws Chapter 93A, the state's unfair and deceptive trade practices statute.

In re Genetically Modified Rice Litigation. Joe R. Whatley, Jr. was appointed to Plaintiffs' Executive Committee in this multidistrict litigation, pending in the United States District Court in the Eastern District of Missouri, which seeks redress for farmers

who were damaged when it was disclosed that unapproved genetically modified rice traits developed by Bayer had contaminated the U.S. supply of long grain rice causing U.S. trading partners, including the European Union, Russia and Japan, to ban U.S. rice imports. A motion for class certification has been filed.

Tax Shelter Litigation. The firm was actively involved in the representation of hundreds individuals who were sold defective tax avoidance strategies by some of the nation's largest law firms, accounting groups and investment banks. The litigation resulted in a class settlement of \$81 million with Jenkins & Gilchrist and numerous individual and aggregate settlements valued at several hundred million dollars.

Labor & Employment Litigation

WD&K has a long history of providing representation for participants in employer-sponsored benefit plans including defined benefit pension plans and 401(k) plans fighting to recover individual benefits and damages to the plans themselves. The Firm is actively involved in the representation of Unions across the United States, advising them on a variety of matters that arise with a particular focus on their health and welfare plans.

WD&K has helped to make the workplace free of discrimination in numerous multi-party and class action lawsuits , holding leadership positions on behalf of workers who have suffered mistreatment because of their age, race, gender, national origin, religious affiliation, disability or simply because they sought to exercise rights protected by federal law such as wage and hour provisions:. Several of our members have held roles in significant, high-profile civil, human and worker rights litigation.

Jackson v. City of Birmingham Schools (Title IX). WD&K represented an Alabama high school basketball coach fired after he complained that the girls on his team were not treated as well as boys. The coach won a landmark Supreme Court ruling under Title IX, the law that guarantees equal access and equal facilities for men in women in sports. WD&K litigated the case on remand and obtained a settlement that includes a city school board promise of equal facilities and the hiring of a Title IX coordinator to assure compliance.

Tyson Foods. WD&K led the effort that produced the multi-million dollar settlement of sexual harassment claims at a Tyson Foods plant in Alabama; in addition to the money, the Court ordered detailed injunctive relieve and appointed a court monitor to cure the wide-spread sexual harassment problem.

Ward v. Albertson's, Save-on, and Lucky Stores. WD&K served as co-lead counsel representing a class of defendants' former employees who alleged that defendants failed to pay them their wages in accordance with California's waiting time statutes. Under California's Labor Code, employers must pay involuntarily terminated employees immediately upon termination, and voluntarily severed employees within 72 hours of their

giving notice of termination. Although defendants vigorously disputed these allegations, WD&K obtained a settlement of \$18.5 million, pending approval by the California Superior Court.

White Collar Crime

Whatley Drake & Kallas' comprehensive white-collar criminal practice involves the representation of defendants and witnesses in federal and state investigations, trials, sentencing and appeals. The firm represents high-profile politicians, business professionals, top executives and corporations facing a multitude of ramifications under complex white-collar laws. This practice group is headed by WD&K member Doug Jones, former U.S. Attorney for the Northern District of Alabama (1997-2001).

Biographies

Members

Joe R. Whatley, Jr.

Mr. Whatley was born in Selma, Alabama. He is a graduate of Harvard University (A.B., cum laude, 1975), and University of Alabama Law School (J.D., 1978). Mr. Whatley is a member of the Bar in the States of Alabama, Colorado and New York, and is admitted to practice before the United States District Court for the Middle, Southern and Northern Districts of Alabama and the Southern and Eastern Districts of New York, as well as the United States Court of Appeals for the Fifth and Eleventh Circuits. After graduating from the University of Alabama Law School, Mr. Whatley served as a law clerk to the Honorable Frank H. McFadden, who was then Chief United States District Judge for the Northern District of Alabama (1978-1979). Mr. Whatley is a member of the American Bar Association (Member, Sections on: Labor and Employment Law; Litigation), a member and past President (1990-1991) of the Birmingham Federal Bar Association, and a member and past President (1990-1991) of the Labor and Employment Law Section of the Alabama State Bar. He is also a member of the Alabama Trial Lawyers Association; the American Association for Justice (formerly the Association of Trial Lawyers of America), and the National Association of Criminal Defense Lawyers.

Mr. Whatley has a wide-ranging, national practice. Among others, he represents numerous labor unions in the southeast of the United States, financial institutions in deceptive trade practice litigation arising out of the failure of a large retailer to secure confidential cardholder data as required by industry standards, medical societies and physicians in complex class action litigation against the managed care industry, employees in discrimination cases, rice farmers damaged by the contamination of the U.S. long grain rice supply by genetically modified rice traits, and individuals in personal injury and mass torts litigation.

Mr. Whatley is an experienced trial lawyer, having tried numerous cases, including class actions, to verdict. For example, Mr. Whatley won a \$1.28 billion jury verdict on behalf of a class of cattle ranchers against Tyson Fresh Meats, Inc. in *Pickett v. Tyson Fresh Meats, Inc.*, No. 96-A-1103-N (M.D. Ala.), and won what was at the time the largest wrongful death verdict in Louisiana history in *Dunn v. Consolidated Rail Corp.*, 890 F. Supp. 1262 (M.D. La. 1995). Mr. Whatley has recovered billions of dollars in monetary relief and business practice changes in litigations against the managed care industry. He also achieved an \$81.6 million settlement for former clients of *Jenkins & Gilchrist* in *Denney v. Jenkins & Gilchrist*, 230 F.R.D. 317 (S.D.N.Y. 2005), litigation relating to that firm's role in structuring and marketing illegal tax shelters.

Email: jwhatley@wdklaw.com

Russell Jackson Drake

Mr. Drake has been a member of the Bar for almost 40 years. He obtained his J.D. from the University of Alabama Law School in 1969 and is a member of the Bar in the States of Alabama, Texas and New York. Mr. Drake concentrates his practice in the areas of personal injury litigation; products liability litigation; wrongful death litigation; appellate practice in state and federal courts; constitutional litigation; and complex class action litigation.

He is admitted to practice before the U.S. Supreme Court, U.S. Court of Appeals for the Eleventh Circuit and U.S. District Court for the Northern, Middle and Southern Districts of Alabama. Mr. Drake is the author of "Enforcing the Right to Treatment," 10 *American Criminal Law Review*, 587, 1972, and "Judicial Implementation and *Wyatt v. Stickney*," 32 *Al. L. Rev.* 299, 1981, and has lectured at the University of Alabama Law School, 1983-1987.

Mr. Drake has served as a member of the Alabama Ethics Commission, 1998-2003 (Chairman, 2003); the 11th Circuit Judicial Conference (1986-1988); and the Lawyer's Advisory Committee of the U.S. District Court for the Northern District of Alabama (1989-present). Mr. Drake has been a member of and held various executive positions with the Tuscaloosa County Bar Association (Member, Executive Committee, 1979; President, 1980-1981). He has also held various positions with the American Bar Association including: Member, 1973 - present; Chairman, 1979, Member, Committee on Prepaid Legal Services; Chairman, Task Force on Illiteracy, 1989; Member, IOLTA Task Force; Member, Local Bar Activities; Member, Supreme Court Task Force on Judicial Building; Member, Supreme Court Advisory Committee on Criminal Procedure; Member, Labor Law Section; Executive Committee, Young Lawyers Section, 1977; Task Force on Minority Participation, 1995-1996, Chairman, 1996-1997.

Mr. Drake is a member of the Alabama Association for Justice (Member: Board of Governors, 1976; Executive Committee, 1984) and the American Association for Justice. He was named a Fellow of the International Academy of Trial Lawyers in 1995. Mr. Drake was born in Jefferson County, Alabama.

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Edith M. Kallas

Ms. Kallas was born in New York, New York. In April of 2004, Ms. Kallas was honored by thirteen State and County Medical Societies, "For the Success Attained in her Relentless Pursuit of Justice for the Physicians of America and their Patients." Also in 2004, Ms. Kallas was named by the New York County Lawyers' Association as one of the "Outstanding Women of the Bar." In 2005, the National Law Journal featured Ms. Kallas in their UP CLOSE section in an article entitled, "HMO Settlement: A Fairer Deal for Doctors." Ms. Kallas is also co-chair of the Public Justice's Class Action Preservation Project. Ms. Kallas graduated from the Juilliard School in 1984 with a B.M. in Music Performance and from the Fashion Institute of Technology with an A.A.S., summa cum laude. She is a 1987 graduate of the Benjamin N. Cardozo School of Law, where she was a member of the Moot Court Board. Ms. Kallas is admitted to the New York State Bar, the United States District Court for the Southern and Eastern Districts of New York and the United States Courts of Appeal for the Second, Third and Sixth Circuits. She is also a member of the Association of the Bar of the City of New York, the New York State Bar Association, the New York County Lawyers' Association, the American Society of Medical Association Counsel, and the American Association for Justice (formerly the Association of Trial Lawyers of America).

Ms. Kallas concentrates her practice in the areas of healthcare and insurance litigation. Her clients include numerous state and county medical societies including: the Medical Society of the State of New York, the Connecticut State Medical Society, the Medical Society of New Jersey, South Carolina Medical Association, Tennessee Medical Association, Northern Virginia Medical Societies, North Carolina Medical Society, Nebraska Medical Association, Washington State Medical Association, Hawaii Medical Association, Alaska Medical Association, Rhode Island Medical Society, Vermont Medical Society, New Hampshire Medical Society, El Paso County Medical Society of Colorado, and the California Chiropractic Association.

Ms. Kallas has represented physicians and medical associations in numerous class actions pending in federal and state courts (including representation of a certified class of approximately 900,000 physicians throughout the United States). Ms. Kallas serves on the Steering Committee in the In re Managed Care action and as Co-Lead Counsel in the Thomas et al. v. Blue Cross Blue Shield Association et al. pending in the United States District Court for the Southern District of Florida and serves as lead counsel in numerous state court healthcare actions. She was one of the principal negotiators of the recent settlements with Aetna, Cigna, Healthnet, Prudential, Humana, Wellpoint and nationwide classes of physicians and medical societies that have resulted in billions of dollars of practice reforms and monetary relief to physicians throughout the country. The settlements have resulted in significant business practice changes that are viewed as setting a new standard in the healthcare industry that is in the best interests of physicians and their patients. Ms. Kallas has also given legislative testimony regarding issues affecting physicians

and successfully handled, on a pro bono basis, an appeal for a patient requiring lifesaving treatment.

Ms. Kallas is also Co-Lead Counsel in the In re Insurance Brokerage Antitrust Litigation pending in the District of New Jersey against major brokerage and insurance companies on behalf of classes of businesses and employees who purchased insurance, including healthcare insurance.

Ms. Kallas has also pursued numerous cases on behalf of consumers, including recent settlements in cases involving products sold by Vitamin Shoppe and Bed Bath and Beyond.

Ms. Kallas is the co-author of "Gender Bias and the Treatment of Women As Advocates," Women in Law 1998. Ms. Kallas has also participated as a Faculty Member and/or Speaker in the following conferences: "Class Action Health Care Litigation," ALI-ABA Health Care Law and Litigation Conference, 1999; "Class Actions: HMOs and Health Care Providers Under Attack," ALI-ABA Life and Health Insurance Litigation Conference, 2000; "Providers (Suits by Doctors and Hospital Class Actions)," ALI-ABA Health Care Law and Litigation Conference, 2000; "The Application of ERISA and RICO Theories in the Age of Managed Care," The Judges and Lawyers Breast Cancer Alert, 2000; "Health Care Litigation: What You Need to Know After Pegasus," Practising Law Institute, 2000; "Provider Suits by Doctors and Hospitals v. HMOs," ALI-ABA Health Care Law and Litigation Conference, 2001; The Joint Seminar Session of the School of Allied Health and Health Law Section at Quinnipiac University School of Law, 2001; The CLE Conference presented by the American Society of Medical Association Counsel, 2002; "The Unique Role of The Medical Society Effectively Litigating for Change in the healthcare Arena", American Academy of Otolaryngology Presidential - Board of Governors Special Seminar 2002; "The Future of Class Action Litigation in America" The CLE Conference presented by the American Bar Association, 2005; "Gender Bias in Litigation and the Trend Toward Diversity in Multi-District Litigation Proceedings, Whatley Drake LLC Continuing Legal Education Conference 2006."

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Deborah Clark-Weintraub

Ms. Weintraub was born in Patchogue, New York and is a 1981 graduate of St. John's University, Jamaica, New York (B.A. summa cum laude; President's Award in recognition of achieving highest GPA among graduates of St. John's College of Liberal Arts and Science). She attended Hofstra Law School in Hempstead, New York, where she was a member of the Hofstra Law Review and Research Editor (1985-1986), and obtained her J.D. degree with distinction in 1986. Following her graduation from Hofstra Law School, Ms. Weintraub served as a law clerk to the Honorable Jacob Mishler, United States District Judge, United States District Court for the Eastern District of New York (1986-1987).

Ms. Weintraub has extensive securities class action experience and has acted as one of Plaintiffs' Co-Lead Counsel in numerous securities class action cases that have obtained

substantial recoveries for defrauded investors. Among other cases, Ms. Weintraub was one of the Lead Counsel in *In re Oxford Health Plans, Inc. Securities Litigation*, MDL Dkt. No. 1222 (CLB) (S.D.N.Y.), in which a cash settlement of \$300 million was obtained on the eve of trial after more than five years of litigation. At the time, the \$300 million cash recovery obtained for shareholders in the Oxford case was one of the largest recoveries ever achieved in a securities class action. Significantly, the Honorable Charles L. Brieant, who presided over the Oxford case described it as “perhaps the most heavily defended, ardently pursued defense of a similar case that I can recall.” Ms. Weintraub also served as one of Plaintiffs’ Co-Lead Counsel in *In re CVS Corporation Securities Litigation*, No. 01-11464 (JLT) (D. Mass.), in which a cash settlement of \$110 million was obtained for investors. Following the settlement, in March 2006, CVS disclosed that the SEC had opened an inquiry into the manner in which CVS had accounted for a barter transaction, which was a subject of the class action suit, and that independent counsel to the firm’s audit committee had concluded in December 2005 that various aspects of the company’s accounting for the transaction were incorrect, leading to the resignations of the company’s controller and the treasurer.

Prior to joining Whatley Drake & Kallas, Ms. Weintraub also acted as one of Plaintiffs’ Co-Lead Counsel in *In re Mutual Funds Investment Litigation*, MDL No. 1586 (D. Md.), which consists of actions brought against mutual fund managers and others arising out of the recent scandals involving “late trading” and “market timing” in the mutual fund industry. In this capacity, among other investors, Ms. Weintraub represented the Ohio Tuition Trust Authority (“OTTA”), a state agency that offers and administers Ohio’s CollegeAdvantage 529 Savings Plan. Since leaving her prior firm, at OTTA’s request, Ms. Weintraub has continued to consult with OTTA’s counsel concerning this matter.

Ms. Weintraub is the co-author of “Gender Bias and the Treatment of Women as Advocates,” “Women in Law (1998), and the “Dissenting Introduction” defending the merits of securities class action litigation contained in the 1994 monograph “Securities Class Actions: Abuses and Remedies,” which was published by the National Legal Center for the Public Interest. She is a member of the American Bar Association, the New York State Bar Association, the Association of the Bar of the City of New York, and the American Association for Justice (formerly the Association of Trial Lawyers of America).

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G. Douglas Jones

Mr. Jones was the United States Attorney for the Northern District of Alabama from 1997 to 2001. While in office, he served on the Attorney General’s Advisory Sub-Committee on Health Care Fraud, White Collar Crime and Ethics. He also served as an Assistant United States Attorney for the Northern District of Alabama from 1980 to 1984. Following law school, he served as Staff Counsel to U.S. Senator Howell Heflin (D-AL), Senate Judiciary Committee (1979-1980).

His practice concentrates on complex civil class actions, securities litigation, labor and employment, discrimination, personal injury and white collar criminal litigation. Since 2004, he has been serving as the court-appointed General Special Master in *Tolbert, et al v. Monsanto and Pharmacia Corp.* (USDC Civil Action No. 2:01-cv-1407-UWC) an environmental clean-up action involving PCB's in the Anniston, Alabama area. He is a member of the Bar of the State of Alabama and is admitted to practice in the United States District Court for the Northern, Middle and Southern Districts of Alabama, the United States Court of Appeals for the First, Fifth and Eleventh Circuits, the United States Tax Court, and the United States Supreme Court.

Mr. Jones was the focus of international media attention as a federal prosecutor leading the successful prosecution of the historic "cold case" involving the *1963 bombing of the 16th Street Baptist Church* in Birmingham in which two former Ku Klux Klansmen were convicted almost forty years after the crimes were committed. Four young African-American girls were killed during a Sunday morning church service in the most heinous act of the Civil Rights Movement. In June, 2007, he testified before the Judiciary Committee of the U.S. House of Representatives about the importance of re-examining crimes of the Civil Rights Era. He has been profiled by numerous national publications including *Time Magazine*, *NewsWeek*, *The Wall Street Journal*, *The New York Times*, and *The National Law Journal*. He regularly appears on national media programs which include: *60 Minutes*, *Good Morning America*, *CNN Headline News*, *National Public Radio*, various FOX programs such as *The Dan Abrams Show* and *Court TV* programs.

He is a member of the National Association of Former U.S. Attorneys currently serving a three-year term on the Board of Directors and previously served as Chairman of the Criminal Justice Committee in 1991. Mr. Jones is also a member of the American (Member, Litigation, Tort and Insurance Practice, Criminal Justice and Environmental Sections) and Birmingham Bar Associations; the Alabama State Bar (Chairman, Criminal Law Section, 1988); the American Association for Justice (formerly the Association of Trial Lawyers of America); the Alabama Association for Justice (Member, Board of Governors, 1992-1994, Executive Committee, 1995-1997 and 2002 -); the National Association of Criminal Defense Lawyers (Board of Directors, 1993-1995; Vice-Chairman Legislative Committee); and the Alabama Criminal Defense Lawyers Association (Secretary, 1991-1992; Member, Board of Directors, 1990-1992). He authored "Justice for Four Little Girls," *Alabama Trial Lawyers Journal*, Summer 2002.

In recognition of his work in the area of civil rights, the Birmingham Civil Rights Institute recently awarded Mr. Jones the 15th Anniversary Civil Rights Distinguished Service Award. He served as keynote speaker for the "We the People National Conference" in Washington, D.C. and is a regular presenter across the Country at civil rights history workshops and Continuing Legal Education (CLE) seminars sponsored by groups such as the American Bar Association, International Society of Barristers, American Association for Justice, Cumberland School of Law at Samford University and NYU.

Born in Birmingham, Alabama, he is a graduate of the University of Alabama (B.A. 1976) and Cumberland School of Law of Samford University (J.D., 1979), where he was a member of the American Journal of Trial Advocacy (1978-1979).

Reported Cases: Hunter v. U.S., 101 F.3d 1565, 65 USLW 2426 (11th Cir. Ala.), Dec 10, 1996; Capital Alliance Ins. Co. v. Through-Clean, Inc., 639 So.2d 1349 (Ala., Apr 01, 1994); Thrower v. Barney, 849 F.Supp. 1445, 91 El Law Rep. 159 (N.D.Ala., Mar 30, 1994); U.S. v. Satterfield, 743 F.2d 827, 53 USLW 2212 (11th Cir.Ala.), Oct 03, 1984).

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Glen M. Connor

For the past two decades, Mr. Connor has represented employee benefit plans, unions, and employees. He has developed a well-recognized expertise in ERISA and has represented employee benefits plans in numerous lawsuits across the United States. He has assumed primary responsibility in some of the largest 401(k) ERISA actions in the country. Mr. Connor leads administrative matters related to the pension funds and health and welfare funds that the firm represents. He also regularly represents labor unions in arbitration proceedings involving disputes over the application and interpretation of a collective bargaining agreement. His practice is concentrated in the areas of ERISA, employee benefits, bankruptcy and pension plans.

He is a member of the Alabama Bar and is admitted to practice before the U.S. Court of Appeals for the Third, Sixth, and Eleventh Circuits and U.S. District Courts for the Northern, Middle and Southern Districts of Alabama. Mr. Connor attended Birmingham-Southern College (B.A., cum laude, 1981) and the University of Alabama (J.D., 1984) where he was a member of the John A. Campbell Moot Court Board (1983-1984). He is a member of the Alabama State Bar and American Bar Association. Mr. Connor was born in Ft. Walton Beach, Florida.

Reported Cases: Rankin v. Rots, 220 F.R.D. 511 (E.D. Mich. 2004); Rankin v. Rots, F.Supp. 853 (E.D. Mich. 2003); McCoy v. Hess Oil of Virgin Islands, 206 F.Supp.2d 276 (D.V.I. 2002); United Steelworkers of America v. Cherokee Electric Co-op, 127 LRRM (BNA) 2375; 108 Lab.Cas. p. 10, 441; aff'd 829 F.2d 1131; cert. den. 458 U.S. 1038; 108 S.Ct. 1601 (1988); Operating Engineers Local 312 Health and Welfare Fund v. Rivers & Rhodes, Inc., 813 F.Supp. 791 (N.D. Ala. 1993); United Steelworkers of America v. Simcala, 111 F.Supp.2d 1287 (M.D. Ala. 2000); Kirwan v. Reynolds, 536 So. 2d 936 (Ala. 1988).

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Andrew C. Allen

Mr. Allen leads the Firm's employment discrimination practice and has successfully handled hundreds of such cases. He led the effort that produced the multi-million dollar settlement of sexual harassment claims at a Tyson Foods plant in Alabama. In the Tyson case, money damages were awarded in addition to Court ordered injunctive relief and

appointment of a court monitor to cure the wide-spread sexual harassment problem. Mr. Allen handles employment litigation in other areas including class actions under the Fair Labor Standards Act and he also represents the Firm's Union clients. Mr. Allen's practice is concentrated in the areas of antitrust and trade regulation, labor and employment, civil rights, discrimination, governmental litigation and securities fraud as well as appellate and general practice.

He is a member of the Bar of the States of Alabama (1988) and Mississippi (1989). He is admitted to practice before the U.S. Supreme Court, U.S. Court of Appeals for the Fifth and Eleventh Circuits and U.S. District Courts for the Northern, Middle and Southern District of Alabama and Northern and Southern Districts of Mississippi. He is a member of the Birmingham and American (Member, Sections on: Labor and Employment Law; Litigation) Bar Associations, Alabama Association for Justice, American Association for Justice, Alabama State Bar, and Mississippi State Bar.

He graduated from Birmingham-Southern College (B.A., cum laude, 1984) and the University of Alabama (J.D., 1988) where he was a member of the John A. Campbell Moot Court Board. Following law school he served as law clerk to Associate Justice Janie L. Shores, Alabama Supreme Court (1988-1989). Mr. Allen was born in New Orleans, Louisiana.

Reported Cases: Mangieri v. DCH Healthcare Authority, 304 F.3d 1072 (11th Cir. 2002); Benson v. Tocco, Inc., 113 F.3d 1203 (11th Cir. 1997); Ex parte Green, 689 So.2d 838 (Ala. 1996); Hardy v. Birmingham Bd. of Educ., 634 So.2d 574 (Ala. Civ. App. 1994); Floyd v. Cullman County Bd. of Educ., 575 So.2d 577 (Ala. Civ. App. 1991); Harris v. Florence City Bd. of Educ., 568 So.2d 827 (Ala. Civ. App. 1990).

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Charlene P. Ford

Ms. Ford concentrates her practice in the areas of class actions, complex litigation, small business law and business litigation as well as appellate practice. She is a member of the Alabama Bar and is admitted to practice before the U.S. Supreme Court and the U.S. Court of Appeals for the 11th Circuit. She is a member of the Birmingham and American Bar Associations, Alabama State Bar, Alabama Association for Justice, and American Association for Justice.

Ms. Ford is a graduate of the University of Montevallo (B.S., summa cum laude, 1982) and Cumberland School of Law of Samford University (J.D., summa cum laude, 1993) where she was a Member (1991-1993) and Comment Editor (1992-1993) of the Cumberland Law Review. Following law school, she served as law clerk to the Honorable Judge William M. Acker, Jr., U.S. District Court, Northern District of Alabama. Ms. Ford is the author of "Rule 11: Due Process Reconsidered," 22 Cumberland Law Review 729, 1991-1992. She was born in Limestone County, Alabama.

Reported Cases: PacifiCare Health Systems, Inc. v. Book, 538 U.S. 401, 123 S.Ct. 1531 (2003); Klay v. Humana, Inc., 382 F.3d 1241 (11th Cir. 2004); McFarlin v. Conseco Services, L.L.C., 381 F.3d 1251 (11th Cir. 2004); In re Humana Inc. Managed Care Litigation, 333 F.3d 1247 (11th Cir. 2003); In re Humana Inc. Managed Care Litigation, 285 F.3d 971 (11th Cir. 2002); In re Managed Care Litigation, 246 F.Supp.2d 1363 (Jud. Pan. Mult. Lit. 2003); In re Managed Care Litigation, 236 F.Supp.2d 1336 (S.D. Fla. 2002); In re Managed Care Litigation, 209 F.R.D. 678 (S.D. Fla. 2002); In re Managed Care Litigation, 135 F. Supp.2d 1235 (S.D. Fla. 2001); Moore v. Liberty Nat. Ins.Co., 108 F.Supp.2d 1266 (N.D. Ala. 2000); Avis Rent A Car Systems, Inc. v. Heilman, 876 So.2d 1111 (Ala. 2003); Yeager v. General Motors Acceptance Corp., 719 So.2d 210 (Ala. 1998); Johnson v. Garlock, 682 So.2d 25 (Ala. 1996).

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Richard P. Rouco

Mr. Rouco is one of our members with primary responsibility over representation of the Firm's Union clients. His practice is focused in the areas of class actions, antitrust, ERISA, union labor law, and securities fraud. He has expertise negotiating and enforcing collective bargaining agreements. Mr. Rouco also has extensive experience representing Unions and/or their members in suits brought under the Labor Management Relations Act, Labor Management Reporting and Disclosure Act, the Fair Labor Standards Act, the WARN Act, ERISA and matters falling under the jurisdiction of the National Labor Relations Board. He has handled a considerable number of cases before the NLRB, including a multi-region plant closing case against Crown Cork & Seal.

In addition to his experience as a labor union lawyer, Mr. Rouco has also developed an active practice in the area of antitrust litigation. His interest in antitrust litigation grew out of his experience representing working families and their Unions in disputes with multinational corporations. He currently represents consumers in several anti-trust cases alleging price fixing and other unlawful restraints of trade. He also has experience litigation securities fraud cases on behalf of institutional investors. He is currently litigating cases brought under the 1934 Securities Exchange Act and the Securities Act of 1933. He is one of three WD&K lawyers fluent in Spanish.

Mr. Rouco is a member of the Alabama Bar and is admitted to practice before the U.S. Court of Appeals for the Eleventh Circuit and the U.S. District Courts for the Northern, Middle and Southern Districts of Alabama. He is a member of the Alabama State Bar and American Bar Association. Mr. Rouco is a Board Member for the Greater Birmingham Ministries. He is the author of "Available Remedies Under ERISA," Section 502 45 Alabama Law Rev., 1994. In 2006, he addressed the Whatley Drake LLC Continuing Legal Education Conference on "The Basics of Antitrust Class Action Litigation," Complex Litigation, Mass Torts & Class Actions Continuing Legal Education Summit.

Mr. Rouco has also held several teaching positions including Adjunct Professor at the University of Alabama School of Law (2003-2004) and (2004-2005) and at Occidental

College, Los Angeles, California (1989-1991); Graduate Teaching Fellow, Department of Philosophy at University of California, Irvine (1989-1990). He was a Research Assistant at the Alabama Law Institute (1992-1994).

He is a graduate of Florida State University (B.A., cum laude, 1987), University of California, Irvine (M.A., Candidate, 1991) and the University of Alabama School of Law (J.D., magna cum laude, 1994). In law school, he served as Senior Articles Editor, Alabama Law Review (1993-1994) and member, Order of the Coif. He was Most Outstanding Undergraduate, Florida State University College of Arts & Sciences (1987); Most Outstanding Student, Florida State University Department of Philosophy (1986-1987) and Recipient, University of California Regents Fellowship, (1987-1990). He was born in Miami, Florida, July 17, 1964.

Reported Cases: Adams v. United Steelworkers of America, 189 F.3d 1321 (11th Cir. 1999); Ryan et. al v. Flowserve Corp., 2007 WL 946052 (ED Tx); Boin v. Verizon South, 283 F.Supp. 2d 1254 (M.D. Ala. 2003); Estate of Rodriquez v. Drummond Company, 256 F.Supp. 2d 1250 (N.D. Ala. 2003); Williams v. United Steelworkers, 234 F.Supp. 2d 552 (M.D.N.C. 2002); United Steelworkers of America v. Ivaco, 216 F.R.D. 693 (N.D. Ga. 2002).

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Mitchell M. Breit

Mr. Breit's practice is concentrated in the area of class actions, mass torts, toxic torts, drug and medical device litigation and water pollution. He serves as liaison counsel in New York State consolidated Bextra-Celebrex litigation, is on the Executive Committee in the *In Re Bausch & Lomb Contact Lens Solution Products Liability Litigation*, MDL 1785, and maintains an active mass tort practice that includes Vioxx, Guidant, and Medtronic defibrillator litigation; environmental contamination class action litigation; and consumer class actions involving the banking industry. He was class co-counsel and court-appointed depository custodian in groundwater contamination litigation in the Southern District of New York involving the gasoline additive MTBE. He formerly represented the County of Suffolk, New York and the Suffolk County Water Authority in their claims against the petroleum industry for MTBE contamination. Mr. Breit was also co-counsel in union health and welfare fund tobacco litigation, which included multiple class actions in numerous jurisdictions.

Mr. Breit is a member of the Bar of The Commonwealth of Virginia (1980), New Jersey (1989) and New York (1990) and is admitted to practice before the U.S. Court of Appeals for the Second Circuit.

He is a member of the American Bar Association, Federal Bar Council Inn of Court, Virginia State Bar, American Association for Justice, the New York State Trial Lawyers Association, where he is a member of the Board of Directors, and Association of the Bar of the City of New York, where he currently serves on the Committee on the Judiciary and

previously served on Committees involving: Art Law, State Courts of Superior Jurisdiction, Federal Legislation and Law Student Perspectives. He is a graduate of the University of North Carolina (B.A. 1972) and Southwestern University (J.D. 1979). Mr. Breit was born in Norfolk, Virginia.

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Joseph P. Guglielmo

Joseph P. Guglielmo is a partner of the firm and is involved in complex litigation on behalf of clients in both state and federal court throughout the United States. Mr. Guglielmo is one of the partners focusing on Whatley Drake & Kallas' securities, consumer, antitrust and healthcare litigation.

Mr. Guglielmo has been extensively involved in *In re Managed Care Litigation* and participated in the settlement negotiations with Aetna, CIGNA, Prudential, Health Net, Humana and Wellpoint/Anthem that have provided monetary and practice changes to physicians valued in excess of one billion dollars. Mr. Guglielmo is also extensively involved in *Love, et al. v. Blue Cross Blue Shield Association, et al.*, also pending in the United States District Court for the Southern District of Florida and has lead all discovery efforts concerning this action. A settlement has recently been reached with the substantial majority of defendants in this action which provides for in excess of \$130 million of monetary benefits and practice change relief valued in excess of two billion dollars. Mr. Guglielmo is also involved in *In re Insurance Brokerage Antitrust Litigation*, filed in the District of New Jersey against a number of the largest insurance companies and insurance brokers alleging violations of RICO as well as federal and state antitrust laws. To date, these efforts have resulted in settlements with Zurich and Gallagher totaling in excess of \$180 million dollars.

Mr. Guglielmo has considerable experience and expertise in the area of electronic discovery and is responsible for numerous multi-party productions involving terabytes of data and hundreds of millions of pages of electronic information. Mr. Guglielmo lectures on electronic discovery and is a member of the Sedona Conference®, an organization devoted to providing guidance and information concerning issues such as discovery and production issues, as well as areas focusing on antitrust law, complex litigation and intellectual property.

Recently, Mr. Guglielmo and Whatley Drake & Kallas were recognized for their achievements by their selection to the National Law Journal's "Plaintiffs' Hot List."

Mr. Guglielmo is also the co-author of a number of publications including: "Class Action Health Care Litigation," ALI-ABA Health Care Law and Litigation Conference, 1999; "Class Actions: HMOs and Health Care Providers Under Attack," ALI-ABA Life and Health Insurance Litigation Conference, 2000; "Providers (Suits by Doctors and Hospital Class Actions)," ALI-ABA Health Care Law and Litigation Conference, 2000; "The Application of ERISA and RICO Theories in the Age of Managed Care," The Judges and

Lawyers Breast Cancer Alert, 2000; "Health Care Litigation: What You Need to Know After Program," Practicing Law Institute, 2000; "Provider Suits by Doctors and Hospitals v. HMOs," ALI-ABA Health Care Law and Litigation Conference, 2001; the CLE Conference presented by the American Society of Medical Association Counsel, 2002; "The Unique Role of the Medical Society Effectively Litigating for Change in the Healthcare Arena," American Academy of Otolaryngology Presidential-Board of Governors Special Seminar, 2002; and "Forum Shopping: Defendants Do It Too" ABA Business Litigation Committee, Winter 2007.

Mr. Guglielmo graduated from Catholic University (B.A., cum laude, 1992; J.D., 1995) and also received a Certificate of Public Policy. Mr. Guglielmo was admitted to the New York State bar in 1996, the District of Columbia Bar in 1997 and the United States Supreme Court in 2003. He was also admitted to the New York Supreme Court, Appellate Division, Second Department in 1996, the U.S. District Court for the District of Colorado in 1999 and the U.S. Court of Appeals for the Third Circuit in 2008. He is a member of the following organizations: Association of the Bar of the City of New York; The District of Columbia Bar; New York State Bar Association, American Bar Association, Federal Bar Council, American Association for Justice and The Sedona Conference.

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Patrick J. Sheehan

Mr. Sheehan practices in the Firm's Boston, Massachusetts office. His practice focuses on class actions, health care law, insurance law and issues relating to information security. As part of his practice, Mr. Sheehan represents businesses, professionals, professional associations and consumers in litigation pending throughout the country. Currently, in *In Re TJX Companies Retail Security Breach Litigation*, pending in the District of Massachusetts, a team of WDK attorneys including Mr. Sheehan serve as Co-Lead Counsel for a proposed class of financial institutions who were injured when their customers' payment card accounts were compromised in the largest data breach in retail history.

Mr. Sheehan contributes regularly to publications for continuing legal education programs. Mr. Sheehan is the co-author of "Class Actions In The Healthcare Context," which was published for the following legal conferences: "Class Action Health Care Litigation," ALI-ABA Health Care Law and Litigation Conference, 1999; "Class Actions: HMO and Health Care Providers Under Attack," ALI-ABA Life and Health Insurance Litigation Conference, 2000; "Providers (Suits by Doctors and Hospital Class Actions)," ALI-ABA Health Care Law and Litigation Conference, 2000; "The Application of ERISA and RICO Theories in the Age of Managed Care," The Judges and Lawyers Breast Cancer Alert, 2000; and "Health Care Litigation: What You Need to Know After Pegram," Practicing Law Institute, 2000. Mr. Sheehan is also the co-author of "An Overview of Class Action Litigation In the Managed Care Context," which was published for the following legal conferences: "Provider Suits by Doctors and Hospitals v. HMOs," ALI-ABA Health Care Law and Litigation Conference, 2001 and American Society of Medical Associations Counsel, Fall 2002.

Mr. Sheehan is a member of the Massachusetts and New York bars and is admitted to practice before the United States District Courts for the District of Massachusetts and the Southern and Eastern Districts of New York.

He is a graduate of the College of the Holy Cross (B.A., 1993) and Northeastern University School of Law (J.D., 1997), where he was an editor of the NU Forum, the school's law journal. He is a member of the American Bar Association, the American Association for Justice, the Massachusetts Bar Association, the Massachusetts Academy of Trial Attorneys and the Boston Bar Association. Mr. Sheehan also serves on the Board of Directors of the Holy Cross Lawyers Association.

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Of Counsel

Roberto Ramirez

Mr. Ramirez formerly served in the New York State Assembly for the 78th Assembly District, Bronx, New York, 1990-2000. While a member of the Assembly, Mr. Ramirez served as Chair, Urban Health Care Subcommittee and also served on the Administrative Regulations Review Commission (ARRC), Social Services Committee and Real Property Tax Committee. In New York State, Mr. Ramirez has earned a reputation as one of the hardest working public officials in government and as a "voice of conscience" on some of the most pressing issues of our time. He is also a formidable activist in the crusade against social injustice and racism. He is a member of the New York State Bar (1997) and the New York State Bar Association (Member, Promote Public Trust and Confidence Committee). He graduated from Bronx Community College (A.D.), New York University (B.S.) and New York University School of Law (J.D., 1993). Mr. Ramirez was born in Puerto Rico.

Associates

W. Tucker Brown

Mr. Brown practices in the area of class action and antitrust litigation. He is a member of Alabama Bar since 2004 and is admitted to practice before the United States Court of Appeals for the Eleventh Circuit, as well as the U.S. District Courts for the Northern, Middle and Southern Districts of Alabama, and the U.S. District Court for the District of Colorado. He obtained a B.A., *cum laude*, in 2001 from Vanderbilt University and received his J.D., *magna cum laude*, in 2004 from the Georgetown University Law Center where he was Order of the Coif. Following law school he served as law clerk to Hon. William M. Acker, Jr., U.S. District Court for the Northern District of Alabama from 2004 to 2005. He is a member of the Alabama State Bar, the American Bar Association (Antitrust Division), Birmingham Bar Association and American Association for Justice. He was born in Birmingham, Alabama.

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Thomas J. Butler

Mr. Butler has participated as lead or co-lead counsel in defending numerous individual and multi-plaintiff annuity sales practices, industrial life and claims-related cases and class actions in state and federal courts in Alabama, California, Georgia, Florida, Kentucky, Illinois, Montana, Mississippi, South Carolina, Tennessee, Texas, and West Virginia. He also served as co-lead counsel in defense of competing nationwide consumer class actions arising from late fees charged on video rentals.

Prior to joining WDK, he gained significant experience in handling the defense of cases in the areas of mass torts, bad faith, ERISA, securities and products liability litigation. Furthermore, Mr. Butler has overseen a number of appeals pending before the Fifth and Eleventh Circuit Courts of Appeal.

Mr. Butler was admitted to the Alabama State Bar in 1999 and Mississippi State Bar in 2001. He is also admitted to practice before the U.S. Court of Appeals for the Eleventh and Fifth Circuits and the U.S. District Courts for the Northern, Middle and Southern Districts of Alabama and Northern and Southern Districts of Mississippi. He received a B.A. from Birmingham-Southern College in 1995 and obtained a J.D., magna cum laude, from the University of Alabama School of Law in 1999 where he was Special Works Editor for the Alabama Law Review and a member of Order of the Coif. After law school Mr. Butler served as law clerk to Hon. Edwin L. Nelson, United States District Judge, U.S. District Court, Northern District of Alabama.

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Mr. Plant graduated from Samford University (B.A., 1999) and The University of Alabama School of Law (J.D., *cum laude*, 2003). During law school, he served as Editor in Chief of the Alabama Law Review and received the Dean's Award, Community Service Award and Law Review Outstanding Scholar Award. He is a member of the Bars of the State of

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Reported Cases: Scott v. Estes, 60 F.Supp.2d 1260 (M.D.Ala.1999); Ferrill v. Parker Group, Inc., 985 F.Supp. 1331 (N.D.ALa.1997); Thrower v. Barney, 849 F.Supp. 1445 (N.D.Ala.1994).

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